

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

transmitted electronically via EFS-Web.

Michael J. Le Strange  
Name of Person Certifying

August 7, 2008  
Date

/Michael J. Le Strange/  
Signature of Person Mailing Paper and Fee

**In the United States Patent and Trademark Office**

**Date:** August 7, 2008

**In re Application of:** Hazelzet, et al. **Filed:** 11/18/2003

**For:** Memory Device with Programmable Receivers to Improve  
Performance

**Serial Number:** 10/707,053 **Confirmation Number:** 1052

**Art Unit:** 2827 **Examiner:** Michael Thanh Tran

**RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER  
37 C.F.R. 1.181(a) BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner of Patents & Trademarks  
Alexandria, VA 22313

Sir:

In response to the Notice of Abandonment dated June 1, 2007, Applicant hereby petitions that the Notice of Abandonment be withdrawn due to Applicant's nonreceipt of an Office Action. Applicants submit herewith a statement of the following:

- 1) The Office Action dated August 16, 2006 was not received in this application. Upon review of the file jacket and docket records, a search was completed, and it indicates that no Office Action communication was received. A copy of the docket sheet for this file is attached herewith (Attachment I). Our docket sheet indicates that prior to August 16, 2006, the last item placed in this file was

Assignee's response of June 12, 2006 to a Notice of Non-Compliant Amendment mailed on May 12, 2006. Further, when any communication from the PTO is received by this office, it is immediately logged into a patent prosecution database by a dedicated Docket Specialist, whose sole responsibility is to accurately maintain this database. The date and type of communication received are logged along with the due date of the office action, which is also entered in a separate electronic calendar for the assigned attorney to ensure a timely reply. This process has been reliable for the thousands of applications that are and have been prosecuted by this office over a period of more than twenty years and is also practiced company wide by assignee.

- 2) Also enclosed is a copy of the docket report (Attachment II) which shows all replies docketed for a date three months from the mail date of the nonreceived Office Action which was date mailed August 16, 2006 (the report covers August 16, 2006 through November 16, 2006).
- 3) Further, we enclose a report of items received (Attachment III) from July 12, 2006 to September 16, 2006 (a month prior to, and a month after the August 16, 2006 mailing date) demonstrating that no entry was made for serial number 10/707,053.
- 4) We also enclose the responsible attorney's personal docket sheet for June 2006 (Attachment IV) showing no entry for a 3-month action on Serial Number 10/707,053.

This Petition under 37 CFR 1.181(a) does not require a fee.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0456.

Respectfully submitted,  
For: Bruce G. Hazelzet, et al.

By: /Michael J. Le Strange/  
Michael J. Le Strange

Registration No. 53,207  
Telephone No.: (802) 769-1375  
Fax No.: (802) 769-8938  
EMAIL: lestrang@us.ibm.com

International Business Machines Corporation  
Intellectual Property Law - Mail 972E  
1000 River Road  
Essex Junction, VT 05452